

IPW

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))			Docket No. 17035	
In Re Application Of: <b>Hiroyuki Irie, et al.</b>				
Serial No. 10/664,756	Filing Date September 18, 2003	Examiner Unassigned	Group Art Unit 3738	
Title: <b>ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER</b>				
<div style="text-align: center;"> <p>Address to:</p> <p><b>Commissioner for Patents</b>  <b>P.O. Box 1450</b>  <b>Alexandria, VA 22313-1450</b></p> </div> <div style="text-align: center; margin-top: 20px;"> <p><b>37 CFR 1.97(b)</b></p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <div style="text-align: center; margin-top: 20px;"> <p><b>37 CFR 1.97(c)</b></p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <div style="margin-left: 40px;"> <p><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p style="text-align: center; margin-top: 10px;"><b>OR</b></p> <p><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p> </div> </div> </div>				

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
17035

In Re Application: **Hiroyuki Irie, et al.**

Serial No.

10/664,756

Filing Date

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Examiner

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3738

**ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_
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Signature

Thomas Spinelli

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\_\_\_\_\_  
Signature

Dated: May 7, 2004

Thomas Spinelli  
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TS:jap

CC:



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Hiroyuki Irie, et al. **Examiner:** Unassigned  
**Serial No.:** 10/664,756 **Art Unit:** 3738  
**Filed:** September 18, 2003 **Docket:** 17035  
**For:** ARTIFICIAL BONE AND TISSUE **Dated:** May 7, 2004  
ENGINEERING CARRIER  
**Conf. No.:** 4158

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

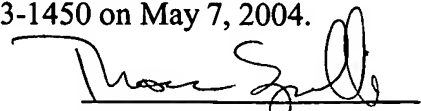
1. International PCT Patent Publication No. WO 02/076522 A1, dated October 3, 2002;
2. International PCT Patent Publication No. WO 01/94274 A1, dated December 13, 2001;

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2004.

Dated: May 7, 2004

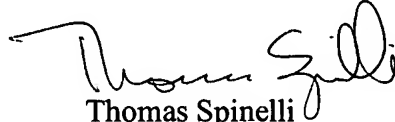
  
Thomas Spinelli

3. International PCT Patent Publication No. WO 00/45867, dated August 10, 2000;
4. United States Patent No. 6,316,091 B1, issued to Richart et al., dated November 13, 2001;
5. United States Patent Application Publication No. 2002/0037799 A1, issued to Li et al., dated March 28, 2002;
6. United States Patent No. 5,939,323, issued to Valentini et al., dated August 17, 1999;
7. Uemura, Toshimasa et al., "Transplantation of cultured bone cells using combinations of scaffolds and culture techniques", *Biomaterials* (2003), Vol. 24, No. 13, pp. 2277-2286;
8. Jun, Youn-Ki et al., "The fabrication and biochemical evaluation of alumina reinforced calcium phosphate porous implants", *Biomaterials* (2003), Vol. 24, No. 21, pp. 3731-3739;
9. Dong, Jian et al., "In vivo evaluation of a novel porous hydroxyapatite to sustain osteogenesis of transplanted bone marrow-derived osteoblastic cells", *Journal of Biomedical Materials Research* (2001), Vol. 57, No. 2, pp. 208-216; and
10. Ripamonti, U., "Calvarial reconstruction in baboons with porous hydroxyapatite", *Database Medline/U.S. National Library of Medicine* (1992); and *The Journal of Craniofacial Surgery* (1992), Vol. 3, No. 3, pp. 149-159.

The references were cited in a Search Report received from the European Patent Office, dated March 18, 2004. Applicants are submitting copies of the above-cited references, together with a copy of the Search Report. The relevance of the above-identified references has been described in the Search Report.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. §1.97(b), no statement or fee is required. Also enclosed herewith is a Statement Pursuant to 37 C.F.R. §1.704(d).

Respectfully submitted,



Thomas Spinelli  
Registration No. 39,533

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Garden City, New York 11530  
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TS:jap



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Hiroyuki Irie, et al. **Examiner:** Unassigned  
**Serial No.:** 10/664,756 **Art Unit:** 3738  
**Filed:** September 18, 2003 **Docket:** 17035  
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**Conf. No.:** 4158

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT PURSUANT TO 37 C.F.R. § 1.704(d)**

Sir:

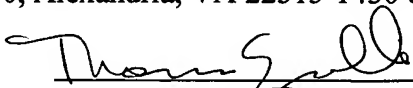
I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

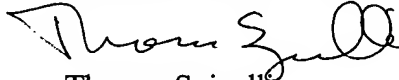
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2004.

Dated: May 7, 2004

  
Thomas Spinelli

Therefore, this Information Disclosure Statement cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c) (8), (c) (9), or (c) (10) of 37 C.F.R. § 1.704.

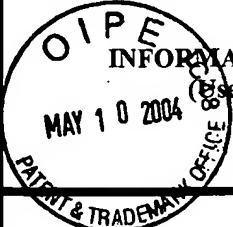
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli", with a stylized flourish at the end.

Thomas Spinelli  
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Garden City, New York 11530  
(516) 742-4343

TS/jap

 <p><b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)</p>	Docket Number (Optional) <b>17035</b>	Application Number <b>10/664,756</b>
	Applicant(s) <b>Hiroyuki Irie et al.</b>	
	Filing Date <b>September 18, 2003</b>	Group Art Unit <b>3738</b>

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,316,091 B1	11/13/2001	Richart et al.			
		2002/0037799 A1	3/28/2002	Li et al.			
		5,939,323	8/17/1999	Valentini et al.			

**FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 02/076522 A1	10/3/2002	PCT				
	WO 01/94274 A1	12/13/2001	PCT				
	WO 00/45867	8/10/2000	PCT				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		Uemura, Toshimasa et al., "Transplantation of cultured bone cells using combinations of scaffolds and culture techniques", Biomaterials (2003), Vol. 24, No. 13, pp. 2277-2286
		Jun, Youn-Ki et al., "The fabrication and biochemical evaluation of alumina reinforced calcium phosphate porous implants", Biomaterials (2003), Vol. 24, No. 21, pp. 3731-3739
		Dong, Jian et al., "In vivo evaluation of a novel porous hydroxyapatite to sustain osteogenesis of transplanted bone marrow-derived osteoblastic cells", Journal of Biomedical Materials Research (2001), Vol. 57, No. 2, pp. 208-216
		Ripamonti, U., "Calvarial reconstruction in baboons with porous hydroxyapatite", Database Medline/U.S. National Library of Medicine (1992); and The Journal of Craniofacial Surgery (1992), Vol. 3, No. 3, pp. 149-159

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.